

✓ § 71. Physical development of National Capital—General purposes; findings

(a) It is the purpose of 71-74 of this title to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the appropriate planning agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal and District of Columbia governments related to such planning. The Congress finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District Governments so that such activities may conform with general objectives; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are developmental problems of an interstate character, the planning of which requires collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of said sections is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

Definitions

(b) As used in sections 71-74 of this title (1) "region" or "National Capital region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) "environs" means the territory surrounding the District of Columbia included within the National Capital region; (3) "National Capital" means the District of Columbia and territory owned by the United States within the environs; and (4) "planning agency" means any city, county, bi-county, part-county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent. As amended July 19, 1952, c. 949, § 1, 66 Stat. 781.

1952 Amendment. Act July 19, 1952 amended section generally to restate the general purposes of sections 71-74, 72, 73, and 74 of this title, and to substitute entirely new provisions for former provisions relating to creation and duties of the "National Capital Park and Planning Commission" which have been superseded and are now covered by sections 71a-71j of this title.

Short Title. Congress, in enacting sections 1 and 2 of Act July 19, 1952, which

amended this section, enacted sections 71a-71j of this title, and amended sections 72, 73, and 74 of this title, provided by part of said section 2 that such amendments and enactments should be popularly known as the "National Capital Planning Act of 1952"

Study Commission to Investigate and Study Sites and Plans for Facilities and Services for Visitors and Students Coming to Washington, D. C. Pub.L. 89-790, Nov. 7, 1966, 80 Stat. 1424, provided:

"That there is hereby created a Study Commission which shall make a full and complete investigation and study of sites and plans to provide facilities and services for visitors and students coming to the Nation's Capital. Such study may include provision for the following activities and services:

"(1) exhibits, lectures, films, and displays for informing, instructing, and orienting visitors respecting the history, growth, development of the Nation, the Nation's Capital, and the organization and operation of the Federal Government in all its branches;

"(2) exhibits and displays by the individual States, territories, possessions, and the District of Columbia with respect to their history, resources, scenic attractions, and other appropriate matters;

"(3) providing information and assistance to visitors to facilitate their enjoyment and appreciation of the Nation's Capital and its historic and cultural resources;

"(4) providing specialized information and assistance to foreign visitors to facilitate and encourage their travel throughout the United States;

"(5) providing special services to visiting student groups, including scheduling, registration, and coordination of tours; and

"(6) providing auxiliary services such as parking, local transportation, and information centers at strategic locations necessary for the convenience of visitors.

"Sec. 2. (a) The Study Commission shall be composed of the Secretary of the Interior, the Administrator of General Services, the Secretary of the Smithsonian Institution, the Chairman of the Council on the Arts and Humanities, the Chairman of the National Capital Planning Commission, the Chairman of the Commission of Fine Arts, six Members of the Senate, three from each party, to be appointed by the President of the Senate, and six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives, and three additional members appointed by the President, at least two of whom shall not be officers of the Federal Government. Non-Federal members shall serve at the pleasure of the President. The Secretary of the Interior shall be the Chairman of the Study Commission. The Study Commission shall meet at the call of the Chairman.

"(b) Members of the Study Commission who are not officers or employees of the Federal or District Government shall be entitled to receive compensation in ac-

cordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) [section 55a of Title 5, Executive Departments and Government Officers and Employees], and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) [section 73b-2 of Title 5] for persons in the Government service employed intermittently.

"(c) The Director of the National Park Service, in consultation with the Administrator of the General Services Administration shall provide necessary staff and facilities to assist the Commission in carrying out its duties under this Act.

"Sec. 3. The Commission shall report the results of its study and investigation to Congress not later than September 15, 1967. Such report shall include its recommendations as to a site or sites for the facilities to be provided together with preliminary plans, specifications, and architectural drawings for such facilities and the estimated cost of the recommended sites and facilities.

"Sec. 4. There is authorized to be appropriated not to exceed \$60,000 to carry out this Act."

#### Index to Notes

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#### Library references

District of Columbia 12.  
United States 56.  
C.J.S. District of Columbia § 12.  
C.J.S. United States § 72.

#### 1. Liability

Secretary of the Interior and Director of the National Park Service would not be personally liable to infant Negro residents of District of Columbia as result of practice of District Recreation Board in designating certain playgrounds as for white residents only. *Camp v. Recreation Bd for District of Columbia*, D.C. D.C.1952, 104 F.Supp. 10.

#### 2. Authority of commission

The acts of Congress establishing the National Capital Planning Commission constituted authority for acquisition by the Commission by condemnation of property for comprehensive development of the park, parkway and playground system of the National Capital. *U. S. v. Lot 800 in Square 1928, Containing 5,967.79 Square Feet, More or Less, in District of Columbia*, D.C.D.C.1959, 160 F.Supp. 904.

#### § 71a. National Capital Planning Commission—Creation and designation

(a) The National Capital Planning Commission, hereinafter called the "Commission", is created and designated as the central planning agency for the Federal and District Governments to plan the appropriate and orderly development and redevelopment of the National Capital and the conservation of the important natural and historical features thereof.

Composition; appointments; terms of office;  
vacancies; compensation; expenses

(b) The Commission shall be composed of—

(1) ex officio, the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Commissioner of Public Buildings, the Federal Highway Administrator, the Administrator of the National Capital Transportation Agency, the chairmen of the committees on the

District of Columbia of the Senate and the House of Representatives (either of which chairmen if unable to serve in person may designate another member of his committee to serve as a member of the Commission in his stead) and, in addition,

(2) five eminent citizens well qualified and experienced in city or regional planning, to be appointed by the President, at least two of whom shall be bona fide residents of the District of Columbia or the environs, including one of such residents who shall be appointed from among not less than three nominees of the Board of Commissioners of the District of Columbia: *Provided*, That the foregoing professional requirements may be waived in the case of the nominees of the Board of Commissioners if in the opinion of the Board of Commissioners said nominee has demonstrated capacity for leadership in the planning and development of the District of Columbia: *And provided further*, That appointive members of the National Capital Park and Planning Commission in office on July 19, 1952 shall serve out their unexpired terms, as members of the Commission, in lieu of an equal number of members provided for in this paragraph. The terms of office of other members first appointed under this paragraph shall be so fixed by the President that the term of one of such five members will expire on April 30 of each of the following years, namely, 1953, 1954, 1955, 1956, 1957, and thereafter the terms of office shall expire every six years following such dates, respectively. Any member of the Commission appointed under this paragraph shall, the expiration of his term notwithstanding, continue as a member, pending the appointment and qualification of the successor. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The appointive members of the Commission shall receive no compensation as such, but shall be paid a per diem in lieu of subsistence and be reimbursed for the cost of travel when attending meetings of the Commission or engaged in investigations or other specific duties pertaining to its activities, in accordance with applicable law.

**Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation**

(c) The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an executive officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to section 5 of Title 41, the civil service and classification laws, or section 55a of Title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of one year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

**Advisory and coordinating committees; participation by representatives of planning and developmental agencies**

(d) The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such Governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

**General scope of functions**

(e) As hereinafter more specifically described in sections 71c-71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal and District Governments, within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the Regional Planning Council, as hereinafter provided. June 6, 1924, c. 276, § 2, as added July 19, 1952, c. 949, § 1, 66 Stat. 782, and amended Aug. 3, 1956, c. 937, § 2, 70 Stat. 990; Sept. 25, 1962, Pub.L. 87-683, 76 Stat. 575.

**Library references:** United States 53; C.J.S. United States § 65.

**References in Text.** The National Capital Park and Planning Commission, referred to in the text of subsec. (b), was established by former provisions of section 71 of this title. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission created by this section, see section 71h of this title.

**1962 Amendment.** Subsec. (b) (1). Pub.L. 87-683 inserted "the Administrator of the National Capital Transportation Agency," preceding "the chairmen of the committees."

**Change of Name.** Commissioner of Public Roads redesignated Federal Highway Administrator by Act Aug. 3, 1956. See section 72 of Title 23, Highways.

**Transfer of Functions.** All functions of the Commissioner of Public Buildings and of the Commissioner of Public Roads were transferred to the Administrator of General Services, and the Public Roads Administration, to be thereafter known as the Bureau of Public Roads, was transferred to the General Services Administration by section 103(a) of Act June 30, 1949, c. 288, Title I, 63 Stat. 380. The office of the Commissioner of Public Buildings was abolished by section 103(b) of said Act. Said section 103 is set out as section 753 of this title.

The Bureau of Public Roads was transferred to the Department of Commerce to be administered by the Commissioner of Public Roads subject to the direction and control of the Secretary of Commerce under the provisions of 1949 Reorg. Plan No. 7, § 1, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1070, set out in the Appendix to Title 5, Government Organization and Employees.

A Public Buildings Service, under the direction of a Commissioner, was established December 11, 1949 by the Administrator of General Services, to supersede the abolished Public Buildings Administration.

**Prior Law.** Provisions relating to the National Capital Park and Planning Commission and its general duties and powers, to which the National Capital Planning Commission, created by this section, succeeded under the provisions of section 71h of this title, were formerly contained in section 71 of this title.

**Legislative History:** For legislative history and purpose of Pub.L. 87-683, see 1962 U.S. Code Cong. and Adm. News, p. 2617.

**Index to Notes**

**Generally 1**

**1. Generally**

The National Capital Planning Commission is not a judicial, or a quasi-judicial tribunal; it is not a regulatory commission or an adjudicatory body but is an administrative group composed, largely, of ex officio members holding public office and no infirmity is discernible in an action of the Commission in approving a highway plan because some of its members may in the course of their official duties have previously approved parts of the plans in other capacities. D. C. Federation of Civic Associations v. Airlis, D.C.D.C.1967, 275 F.Supp. 533.

**§ 71b. National Capital Regional Planning Council—Establishment; composition; compensation of members; chairman**

(a) There is established a National Capital Regional Planning Council, hereinafter referred to as the "Council", to be composed, whenever possible, of representatives of the planning agencies of the region, of demonstrated capacity for leadership in the planning of the region. The Council shall consist of the Chairman of the Commission, ex officio, Engineer Commissioner of the District of Columbia, and not to exceed eight other members who, with their alternates, shall be appointed by the Commission, pursuant to nominations as hereinafter provided. For the Maryland environs, the Maryland-National Capital Park and Planning Commission may nominate two of its members, one each for the portions of the Maryland-Washington regional district within Montgomery and Prince Georges Counties, respectively, and for the portion of either county without the said Maryland-Washington regional district, the governing bodies

of each county may nominate a member of the planning agency for each such portion: *Provided*, That if any portion of either county is without a planning agency the governing body of such county may nominate a qualified person to represent such portion. For the Virginia environs, the Northern Virginia Regional Planning and Economic Development Commission, after soliciting recommendations from the governing bodies of the cities and counties of the Virginia environs, may nominate 4 persons, each of whom shall be a member of a planning agency in the Virginia environs but no more than one of whom shall be from the same city or county. An equal number of alternate members of the Council from the Maryland and Virginia portions of the regions may be nominated by the nominating authorities designated herein. The members of the Council shall receive no compensation for their services on the Council, but may, notwithstanding the provisions of section 1914 of Title 18, continue to accept such compensations as may be paid to them as members of local governmental agencies. The Council shall select its chairman from among its members.

**Additions to National Capital region**

(b) Any county or portion of any county in Maryland or Virginia may hereafter be added to the National Capital region if the local governing body of such county shall so request and if the Commission and the Council shall find that such addition to the region is appropriate and shall accordingly approve such request. Any county or portion of any county so added to the region may participate in the work of the Council according to such terms and conditions as may be mutually agreed upon by the Commission, the Council and the governing body of such county except that no provision for participation shall permit an increase in the number of members of the Council as herein constituted.

**Staff assistance; services and facilities**

(c) The Commission shall make available to the Council such technical and clerical assistance and such other services and facilities as may be necessary for the performance of the functions of the Council. The Council may accept such assistance, services, and facilities as may be made available by any State or local governmental authority having jurisdiction in the areas in which the agencies herein authorized to nominate members of the Council have jurisdiction.

**Preparation of regional plan; contents; considerations**

(d) The Council is authorized to adopt and, from time to time, amend, or extend, a general plan for the development of the region, to serve as a general framework or guide of development within which each part of the region may be more precisely planned by the appropriate planning agency or agencies. The regional plan shall include a land-use plan which designates the proposed general distribution and general locations and extents of the uses of land for such categories as may have important influence on the development of the region; and in addition, such other elements of a general plan having over-all influence as are required to provide for the proposed major movements of people and goods throughout the region, for the primary facilities for community development and for the conservation and development of natural resources. As the basis for its plans, the Council shall at all times give consideration to those features of any plan duly adopted by the Commission or any planning agency appropriate for incorporation in the general plan for the region. The Council shall also consider and aim to accommodate the land-use requirements of the Federal and District Governments in the environs. These provisions shall not operate to prevent the Council from proposing changes, additions, or substitutions for consideration by any of the planning agencies of the region.

**Collaboration and cooperation with Commission and agencies;  
information and surveys; hearings; recommendations**

(e) The Council shall collaborate with the Commission and promote collaboration and cooperation between the Commission and the planning agencies of the environs and the Maryland and Virginia State planning agencies. To that end, it may assemble and interchange information, conduct surveys essential to its work, and in general seek to reconcile the plans and proposals of the planning agencies of the region. It may also cooperate with the planning or other public agencies having jurisdiction in the area beyond the boundaries of the region. It may, at its discretion, periodically provide opportunity by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by non-governmental groups and the general public. The Council shall report annually on the progress of its work to the Commission and to the agencies which are represented thereon. At any time subsequent to three years after July 19, 1952, the Council may make recommendations to the Commission or other agencies represented on the Council for any legislation which, as the result of its experience, it may deem desirable to make its general purpose more effective.

**Procedure in making recommendations, adopting plans, etc.**

(f) In making any recommendation, adopting any plan, or approving any proposal, action shall be taken by a majority vote of all members of the Council; *Provided, however,* That no action affecting directly a single local planning jurisdiction may be approved except by the affirmative vote of the member representing that jurisdiction: *Provided further,* That in the case of an action involving more than one jurisdiction, the negative votes of a minority of the Council shall be made a matter of record and shown on all plans adopted. No vote by any member of the Council shall be construed as an official commitment of the agency represented by the member unless so authorized by said agency. June 6, 1924, c. 270, § 3, as added July 19, 1952, c. 949, § 1, 66 Stat. 783.

**Library references:** United States Code § 53; C.J.S. United States § 63.

**Prior Law.** Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and its environs, were formerly contained in section 71(b) of this title.

**REORGANIZATION PLAN NO. 5 OF 1966**

Eff. Sept. 8, 1966, 31 F.R. 11837, 80 Stat. 1611.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.

**NATIONAL CAPITAL REGIONAL  
PLANNING COUNCIL**

**Section 1. Abolition.** The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

**Sec. 2. Liquidation.** The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

**MESSAGE OF THE PRESIDENT**

To the Congress of the United States:

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.

The time has come to recognize the readiness of local governments in the Washington area to undertake a role

which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital region.

To be most effective, regional planning must be a responsibility of the area's State and local governments acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.

The need for cooperative planning was recognized years ago in the National Capital region. The establishment of the National Capital Regional Planning Council in 1952 to prepare a comprehensive development plan was a major step in meeting that need.

However, the Council was designed for conditions which no longer exist. It was established by Federal law as a Federal agency financed by Federal funds because the various local jurisdictions then felt they were not in a position to provide the financing necessary for areawide comprehensive planning.

The situation that existed in 1952 has been changed by two major developments—

✓ The founding of the Metropolitan Washington Council of Governments; and

✓ The inauguration of a nationwide urban planning assistance program, commonly referred to as the "701 Program."

The Metropolitan Washington Council of Governments, established in 1954, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional

planning by the Council of Governments is accelerated. In accord with the reorganization plan, the Commission will work closely with the Council of Governments in regional planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The plan will eliminate this overlapping effort.

Annual savings of at least \$25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(c), 3, 4, 5(d), and 6(b) of the act approved June 6, 1921, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(c), 71h, 71c, 71d(d), and 71E(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1919, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON

THE WHITE HOUSE,  
June 29, 1960.

#### Notes of Decisions

##### Voting I

##### I. Voting

Resolution enacted in 1929 by predecessor of National Capital Planning Commission that under certain circumstances alternates of ex officio members should

not vote is not binding upon the Commission. D. C. Federation of Civic Associations v. Airlis, D.C.D.C.1967, 275 F. Supp. 533.

Administrative practice in National Capital Planning Commission permitting alternates of ex officio members to vote is not in violation of law. Id.

§ 71b. Comprehensive plan for the National Capital—Preparation and adoption by Commission; collaboration with Council

(a) The Commission is charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal and District developments or projects in the environs. The Commission shall collaborate with the Council in the development of those elements of the plan for the National Capital which should be incorporated in the regional plan provided for in section 71b of this Title. While consistency between the respective proposals of the Commission and the Council shall be sought, lack of action or agreement by the Council shall not prevent the Commission from adopting any part of its plan within the District of Columbia or any recommendation or proposal for Federal or District developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the Council or to the aforesaid agencies.

#### Contents of plan

(b) The Commission's plan for the National Capital shall show its recommendations for the development of the District of Columbia and



may include, among other things, the general location, arrangement, character, and extent of highways, streets, bridges, viaducts, subways, major thoroughfares, and other facilities for the handling of traffic; parks, parkways and recreation areas, and the facilities for their development and use; public buildings and structures, including monuments and memorials, public reservations or property, such as airports, parking areas, institutions, and open spaces; land use, zoning, and the density or distribution of population; public utilities and services for the transportation of people and goods or the supply of community facilities; waterway and water-front development; redevelopment of obsolescent, blighted, or slum areas; neighborhood areas; projects affecting the amenities of life, the preservation and conservation of natural scenery and resources, and features of historic and scientific interest and educational value; and all other proper elements of city and regional planning. The plan may include appropriate maps, plats, charts, tables, and descriptive, interpretive and analytical matter, economic and social aspects, and trends of urban development, and such functional and sectional plans as the Commission deems necessary or desirable. The Commission's recommendations or proposals for Federal and District developments or projects in the environs may include their general location, character, size, and intensity of use and such general plans for their development as may be necessary to present the Commission's recommendations to the appropriate authorities.

**Generalized elements of the plan**

(c) As a general frame of reference for the Commission in making its recommendations under subsection (b) of this section, the Commission shall at all times give primary consideration to the broad elements of the plan which shall include, but not be limited to, generalized plans for land use, major thoroughfares, park, parkway, and recreation system, mass transportation, and community facilities and services. These generalized plans shall also be the basis for integrating the Commission's proposals with those of the Council and for the general purpose of guiding and accomplishing a coordinated, comprehensive, adjusted, and systematic development of the National Capital and its environs.

**Progressive adoption, amendment, or review**

(d) The Commission may, as the work of preparing the comprehensive plan progresses, adopt any element or a part or parts thereof and from time to time shall review and may amend or extend the plan, in order that its recommendations may be kept up to date.

**Consultation with interested agencies; hearings;  
citizen advisory councils**

(e) Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate Federal or District of Columbia authorities for comment and recommendations. Presentation of proposed revisions may at the Commission's discretion be made annually in a consolidated form. The said recommendations by Federal and District of Columbia authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and, in consultation with the Commissioners of the District of Columbia, encourage the formation of one or more citizen advisory councils.

In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to



effectuate the adoption of any plan or proposal and secure its realization. June 6, 1934, c. 270, § 4, as added July 19, 1952, c. 949, § 4, 66 Stat. 785.

Library references: United States C=56, 57; C.J.S. United States §§ 72, 74.

Prior Law. Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and its environs, were formerly contained in section 71(b) of this title.

Abolition of Council. National Capital Regional Council abolished by 1966 Reorg. Plan No. 5, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

#### 1. Federal highway improvements

District of Columbia statutes requiring preparation by the commissioners of the district of a plan for permanent system of highways, that map depicting the system be filed and be certified to the National Capital Planning Commission for recommendations are applicable to local highway improvements but do not apply to highway improvements constructed with federal aid. *D. C. Federation of Civic Associations v. Airlis*, D.C.D.C.1967, 275 F.Supp. 533.

### Index to Notes

#### Federal highway improvements 1

#### § 71d. Proposed Federal and District developments and projects— Consultations between agencies and Commission; procedure

(a) In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: Provided, however, That the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received and considered the report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

#### Exceptions to consultation procedure

(b) The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

#### Approval of District Government buildings within central area

(c) The provisions of section 16 of the Act approved June 20, 1938 (52 Stat. 802), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District as said central area may be defined and from time to time redefined by concurrent action of the Commission and the Board of Commissioners of the District of Columbia.

#### Additional procedure for consultation on developments and projects within environs

(d) Within the environs, general plans showing the location, character, extent and intensity of use for proposed Federal and District developments and projects involving the acquisition of land, shall be sub-

mitted to the Commission for report and recommendations before final commitment to said acquisition, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the Council and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments or projects submitted to the Commission under subsection (a) of this section involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the Council and the aforesaid planning agency. The report and recommendations required under this subsection shall be submitted within sixty days and shall be accompanied by any reports or recommendations that may have been prepared by the Council or the aforesaid planning agency.

**Intent of section; interchange of plans, data, etc.**

(e) It is the intent of the foregoing provisions of this section to obtain cooperation and correlation of effort between the various agencies of the Federal and District Governments which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal and District Governments in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request. June 6, 1924, c. 270, § 5, as added June 19, 1952, c. 949, § 1, 66 Stat. 787.

**Library references:** District of Columbia Code § 12; United States Code § 56; C.J.S. District of Columbia § 12; C.J.S. United States § 72.

**References in Text.** Section 16 of the Act approved June 20, 1938 (52 Stat. 802), referred to in the text of subsec. (c), is classified to section 5-423 of the District of Columbia Code.

**Prior Law.** Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and en-

vironns, and the cooperation between that Commission and agencies of the Federal and District Governments, were formerly contained in section 71(b) of this title.

**Abolition of Council.** National Capital Regional Council abolished by 1966 Reorg. Plan No. 5, eff. Sept 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

**§ 71c. Thoroughfare and mass transportation plans—Preparation and adoption by Commission; submission and approval; revision**

(a) As elements of the comprehensive plan described in section 71c of this title, the Commission shall prepare a major thoroughfare plan and a mass transportation plan. The major thoroughfare plan may include established and proposed routes. Following the preparation and adoption by the Commission of the major thoroughfare plan, or parts thereof, it shall be submitted to the Board of Commissioners of the District of Columbia and if approved by the said Board shall be deemed to be the approved plan. Revisions in the major thoroughfare plan or parts thereof shall similarly require the adoption by the Commission and approval by the Board of Commissioners of the District of Columbia. The mass transportation plan shall be prepared, adopted, approved, or revised in the same manner as prescribed herein, for the major thoroughfare plan except that the Joint Board provided for in section 6(e) of the District of Columbia Traffic Act, 1925, as amended, shall be responsible for its approval and approval of subsequent revisions. Revision of the major thoroughfare plan or parts thereof and the mass transportation plan may be proposed by the Commission and may also be proposed by the Board of Commissioners of the District of Columbia with respect to the thoroughfare plan and by said Joint Board with respect to the mass transportation plan.

**Consultations prior to adoption of thoroughfare plan; recommendations; report by Council; procedure by Bureau of Public Roads**

(b) Prior to final adoption of the thoroughfare plan and its submission to the Board of Commissioners of the District of Columbia for approval under subsection (a) of this section, the Commission shall consult with the Council and the planning agencies affected regarding the Commission's recommendations for extension of the thoroughfare system of the District of Columbia to serve Federal and District developments and projects in the environs. Such recommendations shall be made after consultation with the Bureau of Public Roads, the National Park Service, the Board of Commissioners of the District of Columbia and the appropriate State highway agencies. The Council may review the Commission's recommendations as to consistency with its general plan for the region and submit a report thereon, which the Commission shall transmit with its own recommendations to the Bureau of Public Roads as a guide to portions of the regional thoroughfare plan included or to be included in the Federal-aid highway system. After consideration of such report and recommendations, the Bureau of Public Roads may proceed to take action in accordance with its legal responsibilities and authority. June 6, 1924, c. 270, § 6, as added July 19, 1952, c. 949, § 1, 66 Stat. 789.

**Library references:** District of Columbia § 12; United States § 56; C.J.S. District of Columbia § 12; C.J.S. United States § 72.

**References in Text.** Section 6(e) of the District of Columbia Traffic Act, 1925, as amended, referred to in the text of subsection (b), is classified to section 40-603(e) of the District of Columbia Code.

**Prior Law.** Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and environs, including traffic, transportation, and highways, and the cooperation between that Commission and agencies of the Federal and District Governments, and State representatives, were formerly contained in section 71(b) of this title.

**Abolition of Council.** National Capital Regional Council abolished by 1966 Reorg. Plan No. 5, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71(b) of this title.

**71f. Six-year program of public works; recommendation and annual review; submission of advance programs**

The Commission shall recommend a six-year program of public works projects which it shall review annually with the agencies concerned. To this end each Federal agency and the Board of Commissioners of the District of Columbia shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs. June 6, 1924, c. 270, § 7, as added July 19, 1952, c. 949, § 1, 66 Stat. 789.

**Library references:** District of Columbia § 12; United States § 56; C.J.S. District of Columbia § 12; C.J.S. United States § 72.

**Prior Law.** Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and environs, including public works, and the cooperation between that Commission and agencies of the Federal and District Governments, were formerly contained in section 71(b) of this title.

**§ 71g. Zoning regulations and maps, and subdivision of lands—Amendments of zoning regulations and maps**

(a) The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia on proposed amendments of the zoning regulations and maps as to the relation or conformity of such amendments with the comprehensive plan of the District of Columbia. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

**Further reports on proposed amendments**

(b) When requested by a properly authorized representative of the Commission, the Zoning Commission may at its discretion recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the

Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

**Performance of functions by Zoning Committee of National Capital Planning Commission**

(c) The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission when requested by the Zoning Commission of the District of Columbia, be performed by a committee of the Commission which shall be known as the Zoning Committee of the National Capital Planning Commission and shall consist of not less than three members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

**Recommendations as to platting and subdividing lands; procedure**

(d) Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Board of Commissioners of the District of Columbia for report and recommendation prior to adoption by such Board. Should the Board not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within thirty days. After consideration of this final report, the Board may proceed to take action in accordance with its legal responsibilities and authority. It shall be the duty of the Commission to submit any proposed changes in or amendments to the general orders that the Commission considers appropriate and the Board of Commissioners shall treat the amendments proposed in the same manner as other proposed amendments. June 6, 1924, c. 270, § 8, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

**Library references:** Zoning § 131, 151 et seq.; C.J.S. Zoning §§ 45, 81 et seq.

**Prior Law.** Provisions on the subject of the preparation and maintenance, by the former National Capital Park and Planning Commission, of a comprehensive plan for the National Capital and environs, including zoning regulations, plats, and subdivisions, and the cooperation between that Commission and agencies of the Federal and District Governments, were formerly contained in section 71(b) of this title.

**1. Federal improvement projects**

District of Columbia statutes requiring preparation by the commissioners of the district of a plan for permanent system of highways, that map depicting the system be filed and be certified to the National Capital Planning Commission for recommendations are applicable to local highway improvements but do not apply to highway improvements constructed with federal aid. *D. C. Federation of Civic Associations v. Airis*, D.C.D.C. 1967, 275 F.Supp. 633.

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**§ 71h. Transfer of functions to Commission**

All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (27 Stat. 532), and those formerly vested in the National Capital Park Commission by sections 71, 72, 73, and 74 of this title together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, including trust funds, of the National Capital Park and Planning Commission, are transferred to the Commission. June 6, 1924, c. 270, § 9, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

**Library references:** United States § 53(6); C.J.S. United States § 65 et seq.

**References in Text.** "Commission", as used at the end of this section, refers to the National Capital Planning Commission created by section 71a of this title. For history of the former National Capital Park and Planning Commission, the former Highway Commission, and the former National Capital Park Commission, referred to in the text of this sec-

tion, see notes under sections 71 and 71a of this title, as set out in this Pocket Part, and notes under such section 71, as set out in Main Volume.

The Act of March 2, 1893 (27 Stat. 532), referred to in the text, is classified to sections 7-108 to 7-112 of the District of Columbia Code.

## 40 § 71i PUBLIC BUILDINGS, PROPERTY, ETC.

### § 71i. Authorization of appropriations to carry out sections 71-71i

There are authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation Act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 71-71i of this title, any existing provisions of law to the contrary notwithstanding. June 6, 1924, c. 270, § 10, as added July 19, 1952, c. 949, § 1, 66 Stat. 791.

Library references: United States 53(6); C.J.S. United States § 65 et seq.

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##### Inflections 1

##### 1. Inflections

The National Capital Planning Commission is a federal agency and not a

local District of Columbia agency and is not subject to suit to restrain expenditure of funds for construction of highway projects. D.C. Federation of Civic Associations v. Atris, D.C.D.C.1967, 275 F.Supp. 533.

### § 72. Acquisition of land by Commission

1952 Amendment. Act July 19, 1952, c. 949, § 2, 66 Stat. 791, amended credit to section by changing section number of Act June 6, 1924 from "2" to "11".

Transfer of Functions. "Commission", as used in this section, now refers to the National Capital Planning Commission, rather than to the National Capital Park and Planning Commission, in view of the transfer of functions, powers, etc., from the latter to the former by section 71b of this title. See sections 71-71i of this title and notes thereunder.

Delegation of Functions. Functions of President under this section delegated to the Director of the Bureau of Land Management by section 1419a of Ex.Ord. 119, June 25, 1965, 60 F.R. 8417, set forth under section 301 of Title 3, President.

in District of Columbia, D.C.D.C.1959, 169 F.Supp. 904.

##### 3. Declaration of taking

A declaration of taking by National Capital Planning Commission was not ineffective on ground that commission did not presently have appropriated fund in order to convert land for authorized public purposes, where there was on deposit in registry of court a sum which was the amount of money estimated by the Commission to be just compensation for the property taken, which money undoubtedly was intended by Congress for purchase of land involved. U. S. v. Lot 800 in Square 1928, Containing 5,967.79 Square Feet, More or Less, in District of Columbia, D.C.D.C.1959, 169 F.Supp. 904.

##### 4. Summary judgment

In proceeding by the United States at the request of National Capital Planning Commission to condemn property for park, parkway and playground system of National Capital, wherein the United States filed a motion for summary judgment, and fact issues claimed to exist were not properly set forth in answer or by means of affidavit but were merely listed on a page of defendant's memoranda, and list did not consist of specific allegations or statements of fact but contained speculative questions as to what procedures might or might not have been followed by Commission in instituting the action, by reason of their source and their nature, such questions did not form a sound basis for determining that a genuine issue of material fact existed so as to preclude granting of summary judgment. U. S. v. Lot 800 in Square 1928, Containing 5,967.79 Square Feet, More or Less, in District of Columbia, D.C.D.C.1959, 169 F.Supp. 904.

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##### 1/2. Law governing

The provision of the District of Columbia Code D.C.Code 1951, § 10-619 et seq. relating to acquisition of property for public purposes, and not the Act of 1890 which had been eliminated from the Code as being obsolete and superseded, was controlling for purpose of authorizing National Capital Planning Commission to condemn property for park, parkway and playground system of the National Capital and such statute authorized declaration of taking by the Commission. U. S. v. Lot 800 in Square 1928, Containing 5,967.79 Square Feet, More or Less,

### § 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section 71 of this title, is enlarged as follows:

Said commission is authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections 71-74, of this title, (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in

cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States. Dec. 22, 1928, c. 48, § 1, 45 Stat. 1070, as amended June 6, 1924, c. 270, § 9, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

Library references: United States 55; C.J.S. United States §§ 71, 73.

References in Text. Former provisions of section "71" of this title, cited in the opening clause of this section, established the National Capital Park and Planning Commission, to which such clause originally referred. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission, see Transfer of Functions note below, and for creation of the latter Commission, see section 71a of this title.

Transfer of Functions. In opening clause, "National Capital Planning Com-

mission" was substituted for "National Capital Park and Planning Commission", on authority of Act July 19, 1952, which transferred functions of the latter to the former. See section 71h of this title, and note thereunder.

Delegation of Functions. Functions of the President under this section delegated to the Director of the Bureau of the Budget, see section 1(20) of Ex.Ord. No. 11230, June 28, 1965, 30 F.R. 8447, set out as a note under section 301 of Title 3, The President.

**§ 72b. Lease of lands acquired for park, parkway, or playground purposes**

The Administrator of General Services is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes. Dec. 22, 1928, c. 48, § 2, 45 Stat. 1070, as amended June 6, 1924, c. 270, § 9, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

Library references: United States 58; C.J.S. United States §§ 75, 79; C.J.S. Warehousemen and Safe Depositaries § 60.

Transfer of Functions. "National Capital Planning Commission" was substituted for "National Capital Park and Planning Commission", on authority of Act July 19, 1952, which transferred functions of the latter to the former. See section 71h of this title, and note thereunder.

**§ 72c. Power of Commission to sell lands**

The Commissioners of the District of Columbia, with the approval of the National Capital Planning Commission are authorized and empowered in their discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or private sale, real estate now or hereafter owned in fee simple by the District of Columbia for municipal use, in the District of Columbia, which the Commissioners and the National Capital Park and Planning Commission find to be no longer required for public purposes. Aug. 5, 1939, c. 449, § 1, 53 Stat. 1211, as amended June 6, 1924, c. 270, § 9, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

Library references: United States 58; C.J.S. United States §§ 75, 79; C.J.S. Warehousemen and Safe Depositaries § 60.

Transfer of Functions. "National Capital Planning Commission" was substituted for "National Capital Park and Planning Commission" on authority of Act July 19, 1952, which transferred functions of the latter to the former. See section 71h of this title, and note thereunder.

§ 73. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District

1952 Amendment. Act July 19, 1952, c. 949, § 2, 66 Stat. 791, amended credit to section by changing section number of Act June 6, 1921 from "3" to "12".

Transfer of Functions. "Commission", as used in this section, now refers to the National Capital Planning Commission.

rather than to the National Capital Park and Planning Commission, in view of the transfer of functions, powers, etc., from the latter to the former by section 71h of this title. See sections 71-71i of this title, and notes thereunder.

§ 74. Annual reports of Commission to Congress; estimates for Bureau of the Budget

1952 Amendment. Act July 19, 1952, c. 949, § 2, 66 Stat. 791, amended credit to section by changing section number of Act June 6, 1924 from "4" to "13".

Transfer of Functions. "Commission", as used in this section, now refers to the National Capital Planning Commission.

rather than to the National Capital Park and Planning Commission, in view of the transfer of functions, powers, etc., from the latter to the former by section 71h of this title. See sections 71-71i of this title, and notes thereunder.

§ 74a. Sale by the Secretary of the Interior of lands no longer needed for public purposes

The Secretary of the Interior, with the approval of the National Capital Planning Commission, is authorized, in his discretion, for the best interests of the United States, to sell and convey, in whole or in part, by proper deed or instrument, any real estate held by the United States in the District of Columbia and under the jurisdiction of the National Park Service, which may be no longer needed for public purposes, for cash, or on such deferred-payment plan as the Secretary of the Interior may approve, at a price not less than that paid for it by the Government and not less than its present appraised value as determined by him. Aug. 5, 1939, c. 449, § 4, 53 Stat. 1211, as amended June 6, 1924, c. 270, § 9, as added July 19, 1952, c. 949, § 1, 66 Stat. 790.

Library references: United States §§ 58; C.J.S. United States §§ 75, 79; C.J.S. Warehousemen and Safe Depositaries § 60.

Transfer of Functions. "National Capital Planning Commission" was substituted for "National Capital Park and Planning Commission", on authority of

Act July 19, 1952, which transferred functions of the latter to the former. See section 71h of this title, and note thereunder.

§ 77a. Repealed. Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656

Section, Act Aug. 11, 1951, c. 301, Title I, § 101, 65 Stat. 185, authorized a detail of Secret Service Agents to supervise the guard for the Treasury Department buildings.

Acts May 6, 1939, c. 115, Title I, § 1, 53 Stat. 657; Mar. 25, 1940, c. 71, Title I, § 54 Stat. 57; May 31, 1941, c. 156, Title I, § 1, 55 Stat. 214; Mar. 10, 1942, c. 178, Title I, § 1, 56 Stat. 152; June 30, 1943, c. 179, Title I, § 1, 57 Stat. 260; Apr. 22, 1944, c. 175, Title

I, § 1, 58 Stat. 201; Apr. 24, 1945, c. 92, Title I, § 59 Stat. 64; July 20, 1946, c. 588, Title I, § 101, 60 Stat. 576; July 1, 1947, c. 186, Title I, § 101, 61 Stat. 222; June 14, 1948, c. 466, Title I, § 101, 62 Stat. 413; June 30, 1949, c. 286, Title I, § 101, 63 Stat. 362; Sept. 6, 1950, c. 896, Ch. IV, Title I, § 101, 64 Stat. 638, which contained similar provisions to section 77a of this title, were repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650-656.

§ 101. Laws of District extended to public buildings and grounds

The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia. Any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall be fined not more than \$500, or imprisoned not more than six months, or both.

As amended Oct. 20, 1967, Pub.L. 90-108, § 2, 81 Stat. 277.

Codification. Section is also set out in D.C.Code, §§ 4-120, 22-3111.

1967 Amendment. Pub.L. 90-108 substituted "shall be fined not more than \$500, or imprisoned not more than six months,

or both" for "shall, upon conviction thereof, be fined not more than \$500".

Effective Date of 1967 Amendment. Amendment by Pub.L. 90-108 effective Oct. 20, 1967, see section 3 of Pub.L. 90-